

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

MALIK JA'RELLE WILLIAMS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. CV422-174
	)	
DOLLAR TREE INC.,	)	
	)	
Defendant.	)	
	)	

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O R D E R

Before the Court is Plaintiff Malik Ja'relle Williams's motion to dismiss this case (Doc. 13), which the Court construes as a notice of dismissal made pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i),<sup>1</sup> to which Defendant Dollar Tree Distribution, Inc., has filed a response (Doc. 15). Defendant agrees that Plaintiff's case should be dismissed but requests that it be dismissed with prejudice for the reasons explained in its pending Motion to Dismiss with Prejudice. (Doc. 8.)

Under Rule 41(a)(1)(A)(i), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" "[A] plaintiff's voluntary dismissal under Rule 41(a)(1)(A)(i) 'is effective immediately upon [ ] filing,' and

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<sup>1</sup> "Pro se pleadings are held to a less stringent standard than pleadings drafted by attorneys and are liberally construed." Cook v. Wilcher, No. CV419-203, 2021 WL 3033590, at \*1 (S.D. Ga. July 19, 2021) (citing Bingham v. Thomas, 654 F.3d 1171, 1175 (11th Cir. 2001) (per curiam)).

thus no further court order is necessary to effectuate the dismissal." Absolute Activist Value Master Fund Ltd. v. Devine, 998 F.3d 1258, 1265 (11th Cir. 2021) (citation omitted). "Courts in this circuit and others have found that a defendant's filing of a motion to dismiss under Rule 12(b) does not affect a plaintiff's right to dismiss an action voluntarily . . . ." Davis v. Ocwen Loan Servicing, LLC, No. 1:13-CV-1985-TWT, 2013 WL 6061597, at \*1 (N.D. Ga. Nov. 15, 2013). Unless the notice states otherwise, barring a few exceptions, the dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

Because Defendant has filed neither an answer nor a motion for summary judgment, Plaintiff's request (Doc. 13) is **GRANTED**, and because the notice did not state otherwise, this action is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to close this case.<sup>2</sup>

SO ORDERED this 18<sup>th</sup> day of October 2022.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

<sup>2</sup> Defendant's Motion to Dismiss with Prejudice (Doc. 8) and Report of Rule 26(f) Planning Meeting (Doc. 14) are **DISMISSED AS MOOT**.